

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.5319 OF 2016

Ramesh s/o Balmukund Chouhan,
Age : 66 years, Occu. Pensioner,
R/o House No.2374, Dalmandai,
Ahmednagar, Dist. Ahmednagar

PETITIONER

VERSUS

1. The State of Maharashtra,
through Secretary,
Water Resources Department,
Mantralaya, Mumbai
2. Superintending Engineer &
Administrator, Command Area
Development Authority,
Ahmednagar, Dist. Ahmednagar
3. The Executive Engineer,
Medium Project Division,
Ahmednagar

RESPONDENTS

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Mr. B.A. Darak, Advocate for the petitioner
Mrs. M.A. Deshpande , A.G.P. for respondent Nos.1 and 2
Mr. S.D. Dhongade, Advocate for respondent No.3

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**CORAM: PRADEEP NANDRAJOG, CJ &
R.G. AVACHAT, J.**

DATE: 24.09.2019

PER COURT :

- 1] Heard learned counsel for the parties.
- 2] After he superannuated from service, the petitioner raised an issue of the effect of delay in payment of ₹ 1,64,408/- and ₹ 8,842/-, which amounts were received by the petitioner on 20.6.2008 and 5.4.2010, respectively. The petitioner superannuated from service on 21.1.2006. Suffice it to highlight that claim was on account of improper fixation of salary and correction thereof resulting in two payments made on 20.6.2008 and 5.4.2010 respectively.
- 3] The Tribunal has noted that the claim for interest was made seven years after the petitioner had superannuated from service. From the documents filed by the petitioner along with the petition, it appears that on account of non-availability of service-book, there was a delay in fixation of the salary of the petitioner in the appropriate pay scale and the two payments were made after about twelve years.
- 4] In our opinion, the petition is liable to be dismissed for the reason that two amounts were received by the petitioner on 20.6.2008 and

5.4.2010. The claim for interest was made in the year 2013 and rejected in the same year. The Original Application was filed in the year 2014.

5] The Writ Petition is dismissed.

6] No costs.

(R.G. AVACHAT, J.)

CHIEF JUSTICE